

REMARKS

Summary of the Office Action

Claim 1 is rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

Claims 1-8, 11-16, 18, 19, 21 and 22 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,230,591 to Katbi et al. ("Katbi").

Claims 9 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Katbi, in view of U.S. Patent No. 6,234,726 to Okada et al. ("Okada").

Claim 17 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Katbi in view of U.S. Patent No. 5,032,049 to Hessman et al. ("Hessman").

Claims 19 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Katbi.

Summary of the Response to the Office Action

Applicants have amended claim 1.

Claims 1-22 are pending.

All Claims Define Allowable Subject Matter

Claims 1-8, 11-16, 18, 19, 21 and 22 are rejected under 35 U.S.C. § 102(b) as being anticipated by Katbi. Claims 19 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Katbi. Applicants respectfully traverse the rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a). Applicants have amended claim 1 to provide a different recitation relating to Applicants'

invention. Claim 1 recites a cutting insert, including top and bottom surfaces interconnected by a peripheral surface. At least one of the top and bottom surfaces constitutes a cutting surface. A cutting edge is disposed between the cutting surface and the peripheral surface. The cutting surface includes a plateau surface and a rake surface. The plateau surface defines a seating surface. The rake surface surrounds the plateau surface and is situated between the plateau surface and the cutting edge. A step is disposed between the plateau surface and the rake surface and extends upwardly with respect to the plateau surface.

As described at paragraphs 0030, 0037, and 0041, and illustrated in Fig. 7, Fig. 12 and Fig. 27 of Applicants' specification, plateau surfaces 22, 23 are seating surfaces for being seated on a seating surface 4 of a tool body. By virtue of step 24 extending upwardly with respect to plateau surface 22, in combination with rake surface 25, chips 41 are prevented from running firmly onto plateau surface 22. Consequently, plateau surface 22 is not exposed to smear-on effect, and may thus serve as a seating surface when the cutting insert is inverted in the tool body.

The Office Action relies on groove surface 50 of Katbi for a showing of a plateau, and on second land angle 48 of Katbi for a showing of a step. Applicants respectfully submit that groove surface 50 does not define a seating surface. One of ordinary skill in the art would recognize central island 16 of Katbi as being a seating surface. Referring to Fig. 4 of Katbi, second land angle 48 clearly does not extend upwardly with respect to the central island 16. Thus, Applicants respectfully submit that Katbi does not teach or suggest at least the features of "the plateau surface defining a seating surface" and "a step disposed between the plateau surface

and the rake surface and extending upwardly with respect to the plateau surface” as recited in claim 1.

Claims 2-8, 11-16, 18, 19, 21 and 22 depend from claim 1, and recite the same combination of allowable features recited in claim 1, as well as additional features that define over the prior art. Accordingly, it is requested that the rejection under 35 U.S.C. § 102(b), of claims 2-8, 11-16, 18, 19, 21 and 22, and the rejection under 35 U.S.C. § 103(a) of claim 19, be withdrawn.

Claims 9 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Katbi, in view of Okada. Claim 17 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Katbi in view of Hessman. Applicants respectfully traverse the rejections under 35 U.S.C. § 103(a). Claims 9, 10 and 17 depend from claim 1, and recite the same combination of allowable features recited in claim 1, as well as additional features that define over the prior art. Applicants respectfully submit that Okada and Hessman fail to overcome the above-described deficiencies of Katbi. Accordingly, it is requested that the rejections under 35 U.S.C. § 103(a), of claims 9, 10 and 17, be withdrawn. Applicants submit that all pending claims are in condition for allowance.

CONCLUSION

In view of the foregoing, Applicants submit that the pending claims are in condition for allowance, and respectfully requests reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.


EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

DRINKER BIDDLE & REATH LLP

Dated: October 24, 2006

By: _____


Peter J. Sistaré

Reg. No. 48,183

Customer No. 055694
DRINKER BIDDLE & REATH LLP
1500 K Street, N.W., Suite 1100
Washington, DC 20005-1209
Tel.: (202) 842-8800
Fax: (202) 842-8465